IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 10TH OCTOBER 2007 / 18TH ASWINA 1929

Bail Appl..No. 6185 of 2007()

(CRIME NO.230/2007 OF THE FEROKE POLICE STATION)

PETITIONER:ACCUSED:

A.C.JUMAILATH,W/O.YOOSAF,PUSHPOTH HOUSE, CHEVAYOOR,VAZHAKKAD.

BY ADV. SRI.SAJU.S.A

RESPONDENT:STATE:

STATE OF KERALA REPRESENTED BY THE SUB INSEPCTOR OF POLICE,FEROKE POLICE STATION, THROUGH THE PUBLIC PROSECUTOR,HIGH COURT OF KERALA ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 10/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

KSS

R. BASANT, J.

B.A. No. 6185 OF 2007

Dated this the 10th day of October, 2007

ORDER

Application for anticipatory bail. The petitioner – a woman, faces allegations of having abetted the commission of the offence of rape. The de facto complainant/prosecutrix is the wife of the 1st accused. It is her case that she was forced into prostitution by her husband. Her husband was working as a driver of the 2nd accused. The petitioner is the wife of the 2nd accused. It is alleged that the petitioner did also play a role in obliging the victim to lead a life of prostitution. According to the victim, she was forced to lead the life of prostitution during the period from 2001 to 2006. She had lodged a complaint ultimately in 2007. A crime has been registered. Investigation is in progress. The petitioner is arrayed as 8th accused. Earlier, accused 6 and 7 had come

before this Court claiming regular bail. As per the order dated 24/9/07 in B.A.No.5691/07 they were granted regular bail. I have adverted to the facts in detail in the said order. This order must be read in continuation of the said order. I am hence not adverting to the facts in any greater detail in this order.

2. The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer and I am satisfied that the petitioner can be granted anticipatory bail subject, of course, to appropriate conditions to be imposed in the interests of a fair, efficient and expeditious investigation.

3. In the result, this petition is allowed. Following directions are issued under Sec.438 of the Cr.P.C:

(i) The petitioner shall appear before the learned Magistrate having jurisdiction at 11 a.m. on 17/10/07. She shall be released on regular bail on her executing a bond for Rs.25,000/- with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate.

(ii) The petitioner shall make herself available for interrogation before the Investigating Officer between 10 a.m. and 3 p.m. on 18/10/07 and thereafter as and when directed by the Investigating Officer in writing to do so.

(iii) If the petitioner does not appear before the learned

Magistrate as directed in clause (i), directions issued above shall thereafter stand revoked and the police shall be at liberty to arrest the petitioner and deal with her in accordance with law as if these directions were not issued at all;

(iv) If the petitioner were arrested prior to his surrender on 17/10/07 as directed in clause (i) above, she shall be released on her executing a bond for Rs.25,000/- without any sureties undertaking to appear before the learned Magistrate on 17/10/07.

Sd/-

(R. BASANT, JUDGE)

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P.S. to Judge